

**VILLAGE OF RUIDOSO
ORDINANCE 2009-06**

AN ORDINANCE AMENDING THE VILLAGE OF RUIDOSO
MUNICIPAL CODE OF ORDINANCES CHAPTER 54, LAND
USE TO ADD A SHORT-TERM RESIDENTIAL RENTAL
OVERLAY ZONE; AND APPENDIX A, FEE SCHEDULE.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF RUIDOSO THAT Chapter 54, Land Use, is hereby amended by the addition of new text and modification of existing text as follows:

Sec. 54-106. Short-term residential rental overlay zone.

- (a) Purpose of zone. The Village of Ruidoso Council finds and declares as follows:
- (1) Short-term residential rentals provide a community benefit by expanding the number and type of lodging facilities available to seasonal visitors.
 - (2) Short-term residential rentals are not commercial, but are strictly a residential use of the property under the Village of Ruidoso Municipal Code.
 - (3) The provisions of this section are necessary to prevent a burden on Village services and impacts on residential neighborhoods posed by short-term residential rentals.
- (b) Applicability of requirements. This overlay zone applies to all non-commercial residential property within the village regardless of the zoning district. These requirements of Section 54-106 shall apply to dwelling units that are rented at some time during the year for a short duration that are not part of a commercial business enterprise such as a hotel, motel or commercial cabin rental located on a single lot or a group of contiguous lots within a commercial zoning district. These requirements do apply to individual dwelling units on non-contiguous property owned and operated by a hotel, motel or commercial cabin rental owner.
- (c) Definitions. For purposes of this section, the following words and phrases shall have the meaning respectively ascribed to them by this sub-section:
- (1) "Local contact person" means an owner, representative of the owner or local property manager who lives in the Village of Ruidoso or within proximity of the Village limits such that he/she is available to respond within an hour or less to tenant and neighborhood questions or concerns and is authorized to respond to any violation of this ordinance and take remedial action.
 - (2) "Managing agency or agent" means a person, firm or agency licensed with the New Mexico Real Estate Commission representing the owner of the residential rental, or a person, firm or agency owning the residential unit.
 - (3) "Operator" means the person who is proprietor of a residential rental, whether in the capacity of owner, lessee, sub-lessee, or mortgagee in possession.
 - (4) "Owner" means as defined in Section 1-2 of this Code.
 - (5) "Remuneration" means compensation, money, rent, or other consideration given in return for occupancy, possession or use of real property.

- (6) "Rent" means the consideration charged, whether or not received, for the occupancy of space in a residential rental, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature, without any deductions there from whatsoever.
- (7) "Short-term residential rental" means one or more dwelling units, including either a single-family detached or multiple-family attached unit, rented for the purpose of overnight lodging for a period of not less than 1 night nor more than twenty-nine consecutive days to the same person or persons.
- (d) Short-term residential rental permit required. No owner of a residential dwelling unit shall rent the unit for a short term without having a current valid short-term residential rental permit issued by the Village of Ruidoso. Short-term residential rental permits are issued to the owner and are not transferable.
- (e) Application for short-term residential rental permit. The dwelling unit owner or managing agency or agent shall apply to the Village for a short-term residential rental permit and supply, as a minimum, the following information:
- (1) The maximum number of occupants and vehicles that the dwelling unit can accommodate.
 - (2) The length of time that the applicant requests that the permit be issued for, not to exceed three (3) years.
 - (3) The name, address, email address and contact telephone numbers (including twenty-four hour emergency contact number) of the owner of the residential rental for which the permit is to be issued.
 - (4) The name, address, email address and contact telephone numbers (including twenty-four hour emergency contact number) of the agent, representative or local contact person for the owner of the residential rental.
 - (5) An application fee.
 - (6) Fire Department Inspections. The Ruidoso Fire Department will be responsible for conducting basic fire inspections of all less than 30 day rental properties. The Department will note all National Fire Protection Association Life and Safety Code issues and will specifically inspect for the following:
 - (a) An ABC Type fire extinguisher(s) to be mounted at all points of egress at a height not to exceed 48 inches. Extinguishers must be inspected and maintained according to State requirements and must properly display the inspection history of the device.
 - (b) Approved single station smoke alarms installed at the highest point in every sleeping room.
 - (c) Every sleeping room and living area with access to a primary means of escape and located to provide a clear, unobstructed path of travel to the outside.
 - (d) A floor diagram reflecting the actual floor arrangement, exit locations and room identification must be posted with emergency contact numbers at, or immediately adjacent to the primary entrance to the building.

Fees. The Ruidoso Fire Department will assess a fee of \$25/inspection for the initial inspections and \$15/return inspection when needed.

Scheduling. Short-term rentals will be scheduled for fire inspection once every three years. Scheduling will occur through the Village Fire Marshall's Office

- (7) Owner/agent authorization.
 - (8) Gross Receipts Tax Number certification.
 - (9) Certification of notice to all contiguous property owners that the subject property is to be used for short-term rental.
 - (10) Exterior signage on short-term rental units which indicate availability, phone numbers or other type of information is prohibited.
- (f) Application renewal or update. Prior to the expiration of the permit or when there is a change to the information contained in the permit regarding ownership, changes in the structure or parking area, or contact person, a new permit application shall be submitted.
- (g) Fees. Fees are set forth in Appendix A to this Code. The initial application fee sufficient to cover the cost of processing the application, reviewing the information submitted, and issuing a revised permit.
- (h) Review of application and issuance of permit.
- (1) The Village shall complete review of the permit application five (5) business days.
 - (2) Once the application review is complete, the Village shall notify the applicant of the decision of whether or not to issue the permit based on compliance with this ordinance. If approval is granted, the Village will issue a short-term residential rental permit specifying the maximum number of cars and the maximum number of occupants allowed. Failure to renew the permit within twenty (20) days of the expiration of the previous permit shall subject the owner to payment of a late permit renewal penalty fee.
 - (3) If all applicable fees and taxes have not been paid, a renewal permit will not be issued.
 - (4) If the dwelling unit owner plans to discontinue short-term residential rental of the property, a statement to that effect shall be filed with the Village and the permit will be revoked.
 - (5) If three (3) or more citations issued by the Village for a specific short-term dwelling unit have been adjudicated thru the Village of Ruidoso Municipal Court system within a twelve (12) month time period, the Village Manager or designated representative may revoke the permit for a period of no more than twelve (12) months. After that time, the property owner may reapply for a new short-term rental license after paying all applicable fees and passing a fire safety inspection. A warning letter shall be sent out to the property owner after the second adjudicated citation.
- (i) Tenant notification requirements. Each short-term residential rental unit shall have a clearly visible and legible notice posted by the owner or managing agency or agent within the unit on or adjacent to the interior of the front door containing the following information:

- (1) A copy of the short-term residential rental permit.
 - (2) The name of the managing agency, agent, property manager, local contact person or owner of the unit, and a telephone number at which that party can be reached on a 24-hour, 7 days a week basis.
 - (3) The maximum number of occupants three years of age and older permitted to stay in the unit.
 - (4) The maximum number of vehicles allowed to be parked on the property.
 - (5) The number of on-site parking spaces and the parking rules for seasonal snow removal (if applicable).
 - (6) The specific procedures regarding the disposal of trash and refuse.
 - (7) A notification that an occupant may be cited and fined for creating a disturbance and/or for violating other provisions of the Village of Ruidoso Municipal Code.
 - (8) Notice that noise provisions contained in the Village of Ruidoso Municipal Code Section 38-31 will be enforced and that quiet hours are to be observed between the hours of 11:00pm and 8:00am.
 - (9) Notification that the Village of Ruidoso Municipal Code prohibits ground fires, camp fires, fire rings and fire pits other than by permit.
 - (10) The 911 address for the property.
 - (11) Notice that animal leash laws contained in Section 14-8 (Prohibited acts; animal nuisances; vicious or dangerous animals) will be enforced.
 - (12) Notification that the Village of Ruidoso Municipal Code Section 42-40 makes it "unlawful for any person to discard a lit cigarette, cigar, match or other type of incendiary material."
- (i). Penalties for violation of requirements of this section. In addition to any other penalties or fines authorized by the Village of Ruidoso Municipal Code, the owner of a short-term residential rental unit shall be required to pay a penalty as set forth in Appendix A to this Code in order to obtain, retain or renew a short-term residential rental permit.
- (1) After twenty-four (24) months from the adoption of this ordinance, each day that an owner rents a unit for a short term without first obtaining a short-term residential rental permit is considered a separate violation of the Village of Ruidoso Municipal Code as provided for in Section 1-6.
 - (2) The Village Code Enforcement Officer or other designated Village employee or representative shall take action to correct the violation as provided for in this Code or state statute.

APPENDIX A FEE SCHEDULE

LAND USE			
(1)	Current text to remain unchanged		
(2)	Short-term residential rental permit		
	a.	Initial application	\$35.00/Single Year Permit or \$70 for a 3 Year Permit
	b.	Late Renewal	\$70.00

Passed, Approved and Adopted this 10th Day of March, 2009.


Lonnie R. Nunley, Mayor

SEAL
ATTEST:


Irma Devine, Village Clerk

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